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UNITED NATIONS CONFERENCE ON THE LIABILITY OF OPERATORS OF TRANSPORT TERMINALS IN INTERNATIONAL TRADE

SUMMARY RECORD OF THE 1st PLENARY MEETING

Held at the Austria Center Vienna,
on Tuesday, 2 April 1991, at 10.30 a.m.

Temporary President: Mr. BERGSTEN (Executive Secretary of the Conference)
President: Mr. ABASCAL (Mexico)

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The meeting was called to order at 12.05 p.m.

OPENING OF THE CONFERENCE (item 1 of the provisional agenda)

1. The TEMPORARY PRESIDENT declared open the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade, convened pursuant to General Assembly resolution 44/33 of 4 December 1989.

2. He then read out the following message from Mr. Carl-August Fleischhauer, Under-Secretary-General for Legal Affairs, The Legal Counsel, representing the Secretary-General:

"I am very pleased to be able to address these greetings to you at the opening of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade. It is with great regret that, due to other pressing responsibilities resulting in particular from the situation in the Gulf, I am unable to do so in person.

"The preparatory work for this Conference has been carried out by the United Nations Commission on International Trade Law - UNCITRAL. In accordance with the resolution of the General Assembly convening the Conference, the draft Convention on the Liability of Operators of Transport Terminals in International Trade, adopted by the Commission at its twenty-second session in 1989 (A/CONF.152/5), will serve as a basis for your deliberations.

"The draft Convention is evidence of the continuing commitment of the Commission to promoting the development of international trade through unification of law. It is the most recent legal text prepared or adopted by UNCITRAL directed to that end. Of the four international conventions previously elaborated by the Commission, two have recently entered into force and are already having an impact. These are the United Nations Convention on Contracts for the International Sale of Goods and the Convention on the Limitation Period in the International Sale of Goods. A third Convention, the United Nations Convention on the Carriage of Goods by Sea, is poised to enter into force very soon, having received nineteen of the necessary twenty ratifications and accessions.

"Other texts that have met with widespread usage and popularity are the UNCITRAL Arbitration Rules and the UNCITRAL Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works. Mention must also be made of the UNCITRAL Model Law on International Commercial Arbitration, which is being implemented in a growing number of jurisdictions.

"The success of these texts elaborated by UNCITRAL is a tribute to the dedication and professionalism with which the Commission approaches its tasks. The overriding concern of the Commission has been, from the beginning, to ensure that its legal texts are juridically sound, of practical benefit to traders throughout the world and responsive to the needs of States of all legal systems, geographic regions and levels of economic development.

"This same dedication and professionalism has produced the draft Convention that is now before you. I am confident that, with the constructive efforts of all participants, and a willingness to look beyond the confines of domestic legal systems in order to achieve the goal of uniformity of law, this Conference will fulfil its mandate to adopt a convention on the liability of

(The Temporary President)

operators of transport terminals in international trade. I am also confident that the quality and global acceptability of the Convention will enable it to meet with the same success as the other texts elaborated by UNCITRAL.

"I wish you every success in your endeavours. You may be assured that the Office of Legal Affairs and the Secretariat of the United Nations will do their utmost to assist you in any possible way."

ELECTION OF THE PRESIDENT (item 2 of the provisional agenda)

3. Mr. TAIANA (Argentina) nominated Mr. Abascal (Mexico) for the office of President.

4. Mr. LEBEDEV (Union of Soviet Socialist Republics), Mr. ARIAS-SALGADO (Spain), Mr. LAVINA (Philippines) and Mr. SAFARIAN (Islamic Republic of Iran) seconded the nomination.

5. Mr. Abascal (Mexico) was elected President by acclamation and took the Chair.

6. The PRESIDENT thanked the participants in the Conference for thus honouring his country and himself and expressed the hope that, with the co-operation of all concerned, the Conference would be successful.

The meeting rose at 12.30 p.m.